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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,949	11/22/2000	Hiromichi Atsumi	200097US2	2040

22850 7590 12/03/2002

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EXAMINER

PHAN, JAMES

ART UNIT PAPER NUMBER

2872

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/716,949

Applicant(s)  
Atsuumi et al

Examiner  
James Phan

Art Unit  
2872



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 19, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10, 12 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The rejection of claims 1-2, and 5-6 made in paper no. 9 is repeated.

Applicant has traversed the above rejection by arguing that Hokodate et al fails to disclose a temperature compensation unit which adjusts the focal-point position of the light beam by directly varying a focusing effect of a correction lens on the light beam from the light source by a controlled amount of movement of the correction lens along it's optical axis that corresponds to the temperature change. This argument is not found persuasive because Hokodate et al, in Fig. 44, clearly discloses an optical scanning device which comprises a light source for emitting a light beam L; a scanning optical unit including scanning mirrors (3,4) for deflecting the light beam emitted from the source, and a converging lens (20) for focusing the deflected light beam on a scanned surface (w); a temperature detection unit (26); and a temperature compensation unit including control circuit (124) adjusting the focal-point position of the light beam by directly varying a focusing effect of a correction lens (121) on the light beam from the light source by a controlled amount of movement of the correction lens along it's optical axis that corresponds to the temperature change.

In re claim 5 all the claimed method steps are inherently disclosed because the optical scanning device of the applied prior art has sufficient structure to carry out the method steps.

In re claim 6 the preamble has not been given any patentable weight.

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2. The indicated allowability of claims 3-4 is withdrawn in light of the following rejection.

The examiner apologizes for any inconvenience that might have caused.

3. Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hokodate et al.

Hokodate et al, in Fig. 44, clearly discloses an optical scanning device which comprises a light source for emitting a light beam L; a scanning optical unit including scanning mirrors (3,4) for deflecting the light beam emitted from the source, and a converging lens (20) for focusing the deflected light beam on a scanned surface (w); a temperature detection unit (26); and a temperature compensation unit including control circuit (124) adjusting the focal-point position of the light beam by directly varying a focusing effect of a correction lens (121) on the light beam from the light source by a controlled amount of movement of the correction lens along its optical axis that corresponds to the temperature change.

In re claim 3 the temperature compensation unit (124) inherently included a memory that stores a table defining a relationship between the temperature change and a corresponding focal-point deviation of the light beam on the scanned surface because the memory is a necessity so that the control circuit (124) outputs an appropriate instruction for a lens position according to the temperature of the converging lens (20) detected by the temperature sensor (26) for adjustment (column 32, lines 39-44); also see column 18, lines 5-13).


In re claim 4 an integrated circuit board is inherently provided because it is a necessity for mounting the electrical components of the temperature detection unit.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The fax phone number for this Group is (703) 308-7722.

Phan, J.

Dec. 1, 2002

  
James Phan  
Primary Examiner